



W.P.Crl.(MD) No.1402 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.Crl.(MD) No.1402 of 2025

and

W.M.P.Crl.(MD) No.357 of 2025

K.Vijaya

... Petitioner

Vs.

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Revenue Divisional Officer,
Tuticorin District,
Tuticorin.
- 3.The Assistant Director,
Mines and Geology Department,
Tuticorin District.
- 4.The Thasildhar,
Srivaikundam,
Tuticorin District.
- 5.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 6.The Deputy Superintendent of Police,
Puliyampatti Circle,
Thoothukudi District.



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7.The Inspector of Police,
Puliyampatti Police Station,
Thoothukudi District.

8.Chinnathurai

9.Chellathurai

10.Mahalingam

11.Manimurugan

12.Murugan

13.Sudalaimani

14.Murugan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the fifth to seventh respondents to afford adequate and effective police protection to the petitioner and her family members for the smooth conduct of the petitioner's stone quarry business including plying of all lorries carrying goods through the road leading towards her quarrying site without any obstruction or any other illegal acts from the eighth to fourteenth respondents or any body acting under or through them within the period that may be stipulated by this Court.

For Petitioner : Mr.S.I.A.K.Bagadur Sha

For R1 to R4 : Mr.A.Oliraja, Government Advocate

For R5 to R7 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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For R8 to R11
& R13 to R14

: Mr.R.Aravinth Prakash
for M/s. Roy and Roy Associates

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the fifth to seventh respondents to provide police protection to the petitioner and her family members for the smooth conduct of the petitioner's stone quarrying business, including the plying of all lorries carrying goods through the road leading to her quarrying site, without any obstruction or illegal acts by the eighth to fourteenth respondents or any persons acting under or through them.

2. The learned counsel for the petitioner would submit that the petitioner is the owner of the property measuring a total extent of 7.63 hectares; that she had obtained permission for stone quarrying, valid from 24.07.2024 to 23.07.2034; that when the petitioner commenced quarrying operations, certain individuals, namely, the eighth to fourteenth respondents, prevented her from carrying on the quarrying business; that thereafter, the Assistant Director, Mines and Geology Department, Tuticorin District, the third respondent herein, denied the transport permit



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to the petitioner; that the petitioner challenged the denial of transport permit before this Court in W.P.(MD) No.6953 of 2025; that this Court observed that the petitioner's right to carry on the quarrying business cannot be curtailed so long as she complies with the requirements, and that the denial of the permit cannot be sustained; that thereafter, the permit was granted; and that, in spite of the same, the private respondents, namely, the eighth to fourteenth respondents, are preventing the petitioner from carrying on the quarrying activities, and hence, the petitioner seeks police protection for the smooth conduct of quarrying activities and transportation of quarried stones.

3. The learned Government Advocate for the first to fourth respondents and the learned Additional Public Prosecutor for the fifth to seventh respondents would submit that it is the fact that the petitioner has complied with the conditions of the permit issued by the third respondent herein.

4. The learned counsel for the eighth to eleventh and thirteenth to fourteenth respondents would submit that the villagers would be put irreparable loss and hardship if the petitioner is permitted to carry on the



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quarrying activities in terms of the permit, and therefore, police protection should not be provided to the petitioner for carrying on the quarrying business.

5. In the earlier order dated 28.04.2025 in W.P.(MD) No.6953 of 2025, this Court, while setting aside the denial of the permit to the petitioner, had observed as follows:

“10. The right to carry on trade, business, and profession is projected as the right under Part III of the Constitution of India. For the sake of the alleged objections that seem to have been raised by the third parties, the petitioner's business cannot be stopped. If any person is aggrieved by the grant of lease to the petitioner, their appropriate remedy is to challenge the same and not to take the law into their own hands and create a law and order situation. The law should lean in favour of a person complying with the law, rather than ones who have succumbed to the same and indulged in road blockades and other similar activities. It is unfortunate that the respondents have succumbed to the pressure and refused to grant the transport permit. As long as the petitioner's business complies with the requirements of the Tamil Nadu Minor and Mineral Concession Rules, 1959, and the regulations made therein and the terms of the lease entered into between the first respondent and the petitioner, he is legally entitled to a transport permit.”

6. The private respondents, namely, the eighth to fourteenth respondents, or any other person, cannot take law into their own hands



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and prevent the petitioner from carrying on her lawful activities. If it is the case of the eighth to fourteenth respondents that the permit ought not to have been granted, they ought to have challenged the said permit. As rightly pointed out by this Court in its earlier order dated 28.04.2025 in W.P.(MD) No.6953 of 2025, the law should lean in favour of a person complying with the law and not in favour of persons who obstruct lawful activities.

7. Therefore, the fifth to seventh respondents shall favourably consider the petitioner's request and provide adequate police protection, provided the petitioner complies with the terms and conditions of the permit.

8. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order



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Madurai Bench of Madras High Court,
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SUNDER MOHAN, J.

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